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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,961	02/18/2004	Guido Bonelli	9534	2314

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EXAMINER

CHAPMAN, GINGER T

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/780,961	Applicant(s) BONELLI ET AL.	
	Examiner Ginger T. Chapman	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the claims

Claims 1-20 are pending in the application, claims 1-9 are examined on the merits, claims 10-20 are withdrawn from consideration as being directed to a nonelected invention.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redwine et al (US 5,891,121).

Claim 1. As seen in Figures 1 and 16, Redwine et al disclose a disposable absorbent article (20) having one or more side flaps or wings (50), comprising: (a) a fluid-pervious topsheet (38), a fluid-impervious backsheet (40) opposing said topsheet (38), and an absorbent core (42) disposed between said topsheet and said backsheet, said article having a longitudinal direction and a transverse direction perpendicular thereof (col. 6, ll. 24-34); (b) said one or more wings (50) extending in said transverse direction (col. 7, ll. 53-54) and comprising at least one corrugated region (56) including a multiplicity of ridges and recesses ((59): col. 19, l. 35), said ridges rising toward a garment-facing surface of said article and having glue strips (46); and (c) a release material for covering said at least one corrugated region, said release material contacting said glue strips (col. 14, ll. 23-25).

Redwine discloses the glue strips (46) attached to the side flaps or wings (50) having the corrugated region (56) but does not expressly disclose the glue strips attached to the crests of the ridges comprising the corrugated region. Redwine, at col. 14, ll. 50-65 teaches the ability of glue to fasten the side flaps comprising the corrugated region to the underside of the wearer's panties, thus disclosing the desire for glue strips to attach the side flaps comprising the corrugated region.

As best depicted in Figure 5, Redwine teaches the article having side flaps or wings (50), corrugated region (56) and glue strips (46) attached to the side flaps. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the glue strips of Redwine attached to the crests of the ridges of the corrugated region in order to fasten the side flaps to the underside of the wearer's panties since Redwine states at col. 14, ll. 9-55 that the advantage of forming the corrugated side flaps with glue strips is that the glue strips allow the corrugated side flaps to adhere to the underside of the wearer's panties thereby securing the article in place in the wearer's panty.

One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the glue strip located on the side flaps' crests of the ridges of the corrugated region or located on the side flap that is not the crests of the ridges of the corrugated region because the glue strips placed at either location perform the same function of securing the article to the underside of the wearers undergarment and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claim 2. Redwine et al disclose the article (20) is a catamenial napkin for absorbing menses or an incontinence pad for absorbing urine (col. 1, l. 28).

Claim 3. Redwine et al disclose the multiplicity of ridges and recesses extend in a direction perpendicular to said longitudinal direction.

Claim 4. Redwine et al disclose the multiplicity of ridges and recesses (59) extend in a direction parallel to said longitudinal direction (col. 19, ll. 35-36: fig. 13).

Claim 5. Redwine et al disclose the multiplicity of ridges and recesses (59) extend in a direction forming an angle with said longitudinal direction, said angle being greater than 0 degrees and less than 90 degrees (fig. 16).

With regard to claims 7 and 8, Redwine et al disclose the ridges and recesses but do not expressly disclose pitch ranging from about 1 mm to about 5 mm and height ranging from about 1 mm to about 6 mm. Redwine et al, at column 18, ll. 53-54 disclose that the height and number of ridges and recesses can be varied to control the applied force required to extend the corrugated regions comprising the ridges and recesses, i.e., for the wearer of the article to fold the side flaps/wings underneath the crotch region of the wearer's undergarment. Redwine et al further disclose at column 19, ll. 8-13 that the available stretch or elongation require to fold the flaps is increased if either the height or degree of deforming the ridges and recesses is increased and if, for a given height or degree of deformation, the number or frequency of ridges and recesses is increased. In view of the teachings of Redwine et al, the pitch and height of the ridges and recesses are parameters that can be varied to effect the force required to fold the flaps and discovering the optimum values of pitch and height in the known process of forming the ridges and recesses would be within the routine skill of an ordinary worker in the art at the time the

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invention was made. Therefore, to form the ridges and recesses of Redwine et al having pitch ranging from about 1 to about 5 mm and height ranging from about 1 to about 6 mm would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that discovery of optimum values of result effective variable is a known process is within the skill of an ordinary worker in the art and thus would be obvious. In re Boesch and Slaney, 205 USPQ 215, 617 F.2d 272 (CCPA 1980).

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redwine et al as applied to claims 1-5 above and further in view of Chappell et al (US 5,518,801).

Claim 6. Redwine et al disclose the ridges and recesses but do not expressly depict the ridges and recesses extending in different directions. Chappell et al, at column 19, lines 44-48 teaches the ability of the corrugated regions to include ridges and recesses extending in a direction that is different from the ridges and recesses of a second corrugated region thus disclosing the desire and motivation for the corrugated regions' ridges and recesses to extend in different directions. As seen in Figure 31, Chappell teaches the article having first regions (222) and second regions (224) each extending in different directions. In view of the teachings of Chappell et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the corrugated regions of Redwine having ridges and recesses extending in different directions as taught by Chappell since Chappell et al state at column 19, lines 46-48 that the article is thereby able to exhibit stretch in different directions and thus better conform to the wearer's undergarment and stay in place even when the wearer moves (col. 1, ll. 48-50).

Claim 9. Redwine et al disclose the corrugated regions but do not expressly disclose the backsheet comprising at least one corrugated region. Chappell et al, at column 1, lines 35-50 expresses the desire and motivation for the article to better conform to the wearer's undergarment and stay in place even when the wearer moves. As seen in Figure 31, Chappell et al teach the backsheet (220) comprising at least one corrugated region (222, 224). Chappell states that the advantage of making the article with this design is that the backsheet is able to exhibit stretch in different directions. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the backsheet of Redwine comprising a corrugated region as taught by Chappell since Chappell et al state at column 1, lines 48-50 that this permits the article to better conform to the wearer's undergarment and stay in place when the wearer moves.

Response to Arguments

Applicant's arguments filed 23 February 2006 have been fully considered but they are not persuasive.

With regard to independent claim 1, Applicant submits that Redwine does not disclose glue strips attached to the crests of the ridges. As detailed *supra*, Redwine discloses the glue strips attached to the side flaps in order to secure the side flaps to the underside of the wearer's panties thereby securing the article to the wearer's undergarment. It would have been obvious to one having ordinary skill in the art to provide the glue strips on the crests of the ridges of the corrugated region comprising the side flap since Applicant provides no criticality for the glue strips to be located on the side flaps' crests of the ridges of the corrugated region or located on

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the side flap that is not the crests of the ridges of the corrugated region because glue strips placed at either location perform the same function of securing the article to the underside of the wearers undergarment and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Applicants' arguments with regard to dependent claims 2-9 have been fully considered but are not persuasive as Applicants' arguments depend entirely on Applicants' argument regarding the rejection of claim 1, which has been addressed *supra*.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934.

The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ginger Chapman
Examiner, Art Unit 3761
05/12/06



TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

